

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

AMIR ASHTIANI,
 Plaintiff,

v.

APPLIED MATERIALS INC., et al.,
 Defendants.

Case No. 20-cv-00463-BLF

**ORDER GRANTING DEFENDANT
 APPLIED MATERIALS'S MOTION TO
 FILE UNDER SEAL**

Defendant Applied Materials, Inc. has filed an administrative motion to file under seal portions its opposition brief, exhibits attached to the opposition brief, and exhibits submitted in support of the motion to reopen this case. *See* Mot., ECF 34. Applied Materials requests sealing because the materials contain references to the confidential settlement agreement in this case. *See* Mot., Decl. of Daniel E. Lassen ("Lassen Decl."), ECF 34-1. For the reasons stated below, Applied Materials' motion is GRANTED.

I. LEGAL STANDARD

"Historically, courts have recognized a 'general right to inspect and copy public records and documents, including judicial records and documents.'" *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 n.7 (1978)). Consequently, filings that are "more than tangentially related to the merits of a case" may be sealed only upon a showing of "compelling reasons" for sealing. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101-02 (9th Cir. 2016). Filings that are only tangentially related to the merits may be sealed upon a lesser showing of "good cause." *Id.* at 1097.

Sealing motions filed in this district also must be "narrowly tailored to seek sealing only of

sealable material, and must conform with Civil L.R. 79-5(d).” Civil L.R. 79-5(b). Under Civil Local Rule 79-6(d), the submitting party must attach a “proposed order that is narrowly tailored to seal only the sealable material” which “lists in table format each document or portion thereof that is sought to be sealed.” In addition, a party moving to seal a document in whole or in part must file a declaration establishing that the identified material is “sealable.” Civ. L.R. 79-5(d)(1)(A).

II. DISCUSSION

Courts in this Circuit have found it appropriate to seal confidential settlement agreements. *See, e.g., United Rentals, Inc. v. Ahern Rentals, Inc.*, No. 2:12-CV-01876-JCM, 2012 WL 5418355, at *1 (D. Nev. Nov. 2, 2012) (“[A] prior settlement agreement is generally an important factor weighing against disclosure when continued secrecy was a significant condition of reaching settlement.”) (internal citation omitted). The Court has reviewed Applied Materials’s sealing motion and the Lassen Declaration submitted in support thereof. The Court finds that Applied Materials has articulated good cause to seal certain portions of the cited brief and exhibits. The proposed redactions are generally narrowly tailored. The Court’s rulings on the sealing request is set forth in the table below.

ECF No.	Document to be Sealed	Result	Reasoning
33	Applied Materials’s Opposition to Motion to Reopen Case	GRANTED as to the highlighted portions at 1:22, 1:26, 2:1, 2:12- 13, 3:19.	The highlighted portions contain confidential information relating to the confidential terms of the Parties’ Settlement Agreement. Lassen Decl. ¶¶ 2-3. Public disclosure of this information would cause harm to Applied Materials. Lassen Decl. ¶¶ 3-4.
33-2	Ex. A, Settlement Agreement	GRANTED as to the entire document	This document is the confidential Settlement Agreement. Lassen Decl. ¶¶ 2-3. Public disclosure of this information would cause harm to Applied Materials. Lassen Decl. ¶¶ 3-4.
34-10	Ex. B and C, Fee	GRANTED as to the	The highlighted portions

	Dispute letter	highlight portions on pages 2 and 3. The redacted version of this Document at ECF 34-9 shall replace Plaintiff's version of the document at ECF 31-1.	contain confidential information relating to the confidential terms of the Parties' Settlement Agreement. Lassen Decl. ¶¶ 2-3. Public disclosure of this information would cause harm to Applied Materials. Lassen Decl. ¶¶ 3-4.
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III. ORDER

For the reasons set forth herein, the Court GRANTS Applied Materials's administrative motion to file under seal portions of its opposition brief and exhibits submitted in support of that brief and the motion to reopen the case.

IT IS SO ORDERED.

Dated: July 28, 2021



BETH LABSON FREEMAN
United States District Judge